# STATE OF MICHIGAN

# COURT OF APPEALS

UNPUBLISHED
July 25, 2013

In the Matter of J. BLAIR-THOMAS, Minor.

No. 313991
Kalamazoo Circuit Court
Family Division
LC No. 2009-000466-NA

Before: MURPHY, C.J., and SAAD and SERVITTO, JJ.

PER CURIAM.

Respondent-mother appeals as of right the order terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(*i*), (g), (i), (j), and (k)(*iii*). We affirm.

The minor child was the youngest of respondent's six children. At the time of the minor child's birth in May of 2012, respondent's five other children were no longer in her custody or care. Respondent's parental rights to one of her children had been terminated in 2010, two of her children were placed in foster care, and the other two children were placed with their respective fathers. The record reflects that respondent had essentially abandoned three of her other children. Shortly after the minor child's birth, the trial court removed him from respondent's care and placed him with his father. The initial petition sought termination of respondent's parental rights to the minor child. After an October 30, 2012, termination hearing, the trial court terminated respondent's parental rights to the minor child.[1]

If a trial court finds that a single statutory ground for termination has been established by clear and convincing evidence and that it has been proven by a preponderance of the evidence that termination of parental rights is in the best interests of a child, the court is mandated to terminate a respondent's parental rights to that child. MCL 712A.19b(3) and (5); *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011); *In re Moss Minors*, __ Mich App __; __ NW2d __, issued May 9, 2013 (Docket No. 311610), slip op at 3.

"This Court reviews for clear error the trial court's ruling that a statutory ground for termination has been established and its ruling that termination is in the children's best interests."

[1] The trial court did not terminate the father's parental rights to the minor child, and the father is not a party to this appeal.

*In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011); see also MCR 3.977(K). "A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made." *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009).

The record supports the conclusion that respondent failed to properly care for and parent the minor child's five siblings. Respondent had chronic issues of homelessness, substance abuse, mental health problems, unemployment, domestic violence, and criminal behavior. In 2003, respondent pleaded guilty to felony aggravated domestic battery against one of the minor child's siblings. Two months before the minor child's birth, respondent had become intoxicated and was arrested for domestic violence against the minor child's father. The record demonstrates that during the minor child's first five months of life—the approximate length of this case—respondent had periods of homelessness, she struggled with extensive alcohol abuse, and she committed multiple acts of domestic violence resulting in arrests. The record also supports the conclusion that respondent was offered services in the present case, as well as in previous proceedings regarding her other children, but that she failed to comply with, or benefit from, those services. The record shows that respondent specifically refused services in the present case that were designed to address her substance abuse and domestic violence issues.

The foregoing evidence of record clearly supports the trial court's findings of a statutory basis for termination under MCL 712A.19b(3)(g) (failure to provide proper care or custody) and (j) (reasonable likelihood of harm to the child if returned to parent). See *In re Hudson*, 294 Mich App at 266 ("Evidence of how a parent treats one child is evidence of how he or she may treat the other children."); *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005) ("[A] parent must benefit from services offered so that he or she can improve parenting skills to the point where the children would no longer be at risk in the parent's custody."). Accordingly, the trial court did not commit clear error with respect to its rulings. Having concluded that the trial court did not clearly err by finding a statutory ground for termination under either MCL 712A.19b(3)(g) or (j), we need not address the trial court's additional grounds for termination. *In re HRC*, 286 Mich App at 461. Nevertheless, we also find that the record supports the trial court's findings that MCL 712A.19b(3)(b), (i), and (k) constituted additional grounds for termination. Respondent previously pleaded guilty to aggravated domestic battery against one of the minor child's siblings, her parental rights were terminated to another sibling of the minor child, and previous attempts to rehabilitate respondent were unsuccessful.

In reaching our conclusion, we reject respondent's argument that her purported compliance with services negated any statutory basis for termination. See *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003) (compliance with parent-agency agreement is evidence of the parent's ability to provide proper care and custody). The record does not indicate that she fully participated in or benefitted from services.

Furthermore, on the record before us, the trial court's finding that termination was in the minor child's best interests does not leave us with "a definite and firm conviction that a mistake has been made." *In re HRC*, 286 Mich App at 459. The record reflects that respondent failed to obtain appropriate housing, refused services to address her substance abuse and domestic violence issues, and that, as observed by the trial court, she could not care for herself let alone a young child.

On appeal, respondent argues that the trial court clearly erred in finding that petitioner made reasonable reunification efforts. Whether respondent received reasonable reunification services involves the trial court's factual findings, which we review for clear error. MCR 3.977(K); *In re Rood*, 483 Mich 73, 90; 763 NW2d 587 (2009).

"Generally, when a child is removed from the parents' custody, the petitioner is required to make reasonable efforts to rectify the conditions that caused the child's removal by adopting a service plan." *In re HRC*, 286 Mich App at 462. However, a petitioner is "not required to provide reunification services when termination of parental rights is the agency's goal." *Id*. at 463. Furthermore, MCL 712A.19a(2) provides statutory exceptions to the requirement to provide reasonable reunification services where the respondent "has had rights to the child's siblings involuntarily terminated" or "[t]here is a judicial determination that the parent" has abused the child or the child's sibling by way of a "[b]attering." MCL 712A.19a(2)(a) and (c); MCL 722.638(1)(a)(*iii*); see also *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); *In re Rood*, 483 Mich at 99-100.

In this case, and as reflected above, respondent's parental rights to one of the minor child's siblings were terminated in 2010 and she pleaded guilty to felony aggravated domestic battery against another sibling of the minor child. Petitioner's initial petition sought termination of respondent's parental rights to the minor child. Therefore, respondent was not even entitled to services in the present case, given that termination was petitioner's goal and the case involved the exceptional circumstances enumerated in MCL 712A.19a(2)(a) and (c).

Moreover, on the record before us, the trial court did not clearly err by finding that reasonable reunification efforts were actually made, but were unsuccessful as to respondent. The record reveals that respondent was offered numerous services in the present case, including supervised parenting time, a parenting class, and housing and employment referrals. The record further indicates that petitioner tried to offer respondent substance abuse and domestic violence services, but she refused to participate in those services. Moreover, during the years preceding this case, respondent received numerous services and referrals in proceedings involving her other children. Respondent often rejected services on the greatly mistaken belief that she was not in need of particular services. Although a petitioner generally "has a responsibility to expend reasonable efforts to provide services to secure reunification, there exists a commensurate responsibility on the part of respondents to participate in the services that are offered." *In re Frey*, 297 Mich App 242, 248; 824 NW2d 569 (2012). Here, the record established that respondent failed to substantially comply with, or benefit from, the services that were offered. Reversal is unwarranted.

Affirmed.

/s/ William B. Murphy
/s/ Henry William Saad
/s/ Deborah A. Servitto